

**33189**

**SERVICE DATE – DECEMBER 10, 2002**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub-No. 214X)**

**Norfolk Southern Railway Company - Abandonment Exemption - in Buchanan County, VA**

### **BACKGROUND**

In this proceeding, the Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its line of railroad lying between Milepost DC-16.6 at Wyatt and Milepost DC-23.0 at Jewell Valley, in Buchanan County, Virginia, a distance of approximately 6.4 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

According to NSR, the line was constructed on land belonging to the Pocahontas Coal Corporation, a subsidiary of Norfolk and Western Railway Company to serve mines of the Jewell Ridge Coal Corporation. Construction of the line was completed in 1936. In recent years, business and industry in the area served by the line of railroad has declined, closed, or changed in character so there is no real need for rail transportation along the line of track. No traffic has originated, terminated or moved overhead on this line segment for at least two years.

The right-of-way width varies, but is generally 40-50 feet on each side of the main track centerline. The line passes through commercial (50%), residential (20%) and undeveloped (30%) areas. NSR has fee title to the right-of-way underlying the line proposed for abandonment and plans to sell the rail line. NSR has received no inquiries about public use of the right-of-way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right-of-way may be suited. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of the property for other than rail purposes.

### **ENVIRONMENTAL REVIEW**

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR served the environmental and historical

reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Commonwealth of Virginia, Department of Historic Resources (VA SHPO) has indicated that, in their opinion, the proposed abandonment will not effect properties eligible for or listed on the National Register of Historic Places.

The National Geodetic Survey has advised us that two geodetic station markers have been identified that may be affected by the proposed abandonment.

The United States Department of the Interior, Fish and Wildlife Service in Gloucester, Virginia has indicated that, based on the project description and location, it appears that this project is not likely to adversely affect any federally listed or proposed species or their designated critical habitat. The Commonwealth of Virginia Department of Game and Inland Fisheries has advised us that the state endangered variegate darter has been documented in the project area. Accordingly, we will recommend a consultation condition requiring that NSR contact the Virginia Department of Game and Inland Fisheries prior to commencement of any salvage activities on this project to evaluate potential impacts to the darter.

## **CONDITIONS**

We recommend that the following two environmental conditions, addressing the environmental concerns discussed above, be placed on any decision granting abandonment authority.

1. The National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, NSR shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
2. Prior to any salvage activities, NSR shall consult with the Commonwealth of Virginia Department of Game and Inland Fisheries (Amy Martin at 804-367-2211) to evaluate potential impacts to the state endangered variegate darter that may occur in waterways which are crossed by or are adjacent to the line proposed for abandonment.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 214X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: December 10, 2002.

Comment due date: **December 26, 2002 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

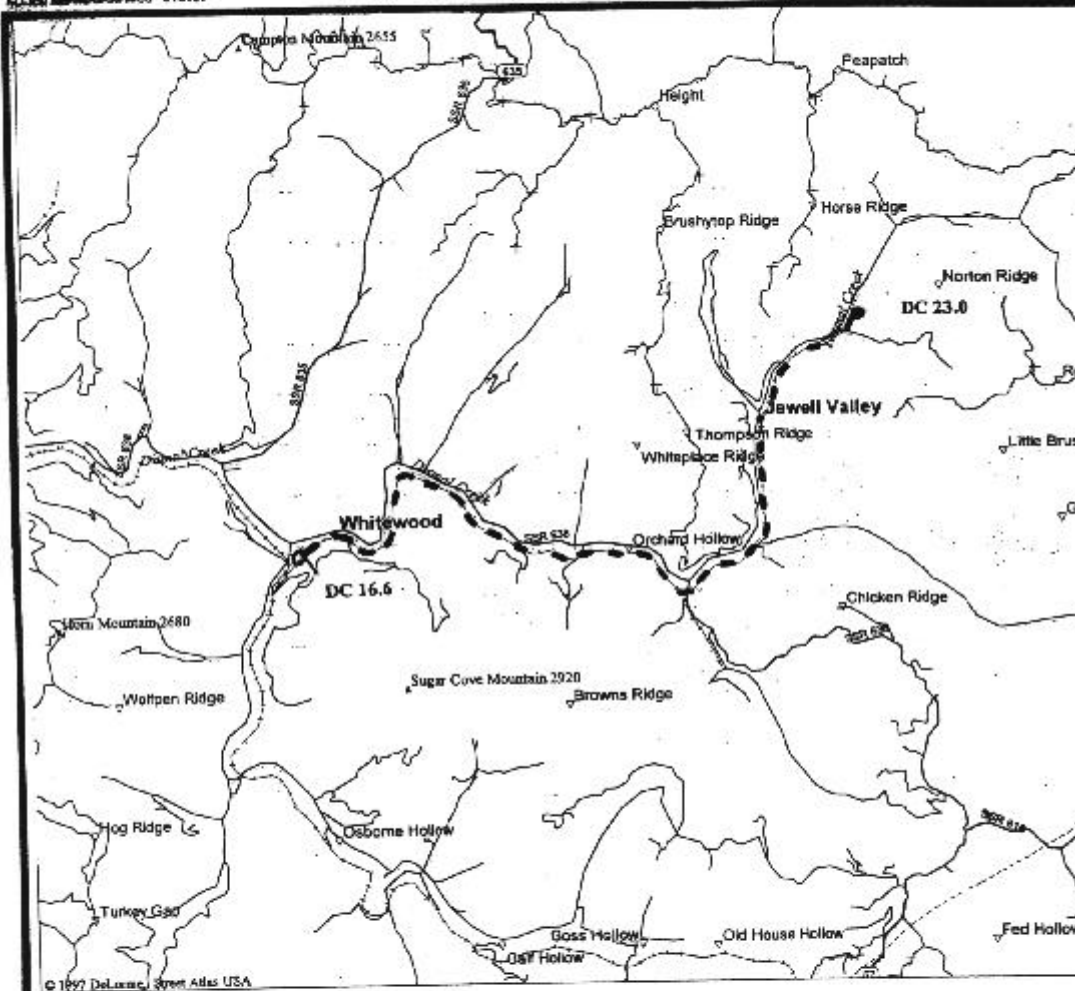
Attachment

EXHIBIT 1

33189

AB-290 (Sub-No. 214X)

NILES REPROGRAPHICS 318197



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**NS NORFOLK SOUTHERN**

ENGINEERING COMPANY

OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION ATLANTA, GA.

REV	BY	DATE	DESCRIPTION
LOCATION Wyatt to Jewell Valley, Virginia			
TITLE Proposed Line Abandonment Between MP DC 16.6 and DC 23.0			
DESIGN	YAL	SEC	MAP
DRW	RPD	FILE	188-24
CHK	DATE	August 18, 2000	
MILE POST			STATION NUMBER
			TA 00-0100

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FIELD BOOK

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